



June 4, 2014

Thuy Hua  
LA County Department of Regional Planning  
320 W Temple St 13th Flr  
Los Angeles CA 90012  
thua@planning.lacounty.gov

Dear Ms. Hua,

Thank you for the opportunity to comment on the second draft of the ordinance amending Title 22 – Planning and Zoning – of the Los Angeles County Code related to the establishment of regulations for small-scale renewable energy systems, utility-scale renewable energy facilities, and temporary meteorological towers (the “Draft Ordinance”).

The Sierra Club is a national nonprofit organization of approximately 2.5 million members and supporters (over 380,000 who live in California) dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and promoting the responsible use of the earth’s ecosystems and resources; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives. The Sierra Club’s concerns encompass protecting our lands, wildlife, air and water while at the same time rapidly increasing our use of renewable energy to reduce global warming.

The Sierra Club support renewable energy as a means to address the challenge of climate change by reducing greenhouse gas emissions. However, renewable energy development, like all development, must be sited, constructed and operated sustainably to protect natural resources while ensuring full compliance with all applicable laws. The Draft Ordinance offers an opportunity for Los Angeles County (the “County”) to integrate land use and environmental values with energy planning. We support the County’s efforts to update their policies, and their outreach efforts to include a wide range of stakeholders in developing these policies.

We recognize that the County will likely participate in the Desert Renewable Energy Conservation Plan (DRECP), and that the DRECP is an opportunity to both develop more

granular information on the conservation of the unique, rich biological resources of Los Angeles County. We understand the County is working closely with the California Energy Commission to ensure consistency between the DRECP and final ordinance, and encourage continued cooperation.

Additionally, we support the Center for Biological Diversity's comments regarding California condor and golden eagle, and the potential benefits of a Natural Community Conservation Plan (NCCP) to protect sensitive species in Los Angeles County but outside of the DRECP boundary.

We also specifically incorporate our previous recommendations related to avoiding environmentally sensitive areas and wind energy avoidance areas, as well as our species-specific recommendations.

We provide the following recommended changes to the Draft Ordinance:

#### **A. Applicability.**

We thank the County for adding provision 22.52.160 (B) "Applicability". We recommend replacing the term "*zone and supplemental district regulations*" with "*local, state or federal planning processes with completed CEQA and/or NEPA review*" wherever it appears in this provision. We believe this change more accurately captures the range of land-use designations which could affect development, included completed Habitat Conservation Plans, NCCPs and U.S. Fish and Wildlife Service (USFWS) designated critical habitat.

#### **B. Wildlife Agency Review.**

The Antelope Valley provides a refuge for many special-status species birds and animals. We reinforce our previous recommendation that the Ordinance require utility-scale renewable energy facility applicants to meet with California Department of Fish & Wildlife (CDFW) and USFWS to discuss animals with special status or protections and for any guidelines for surveys or mitigation for those species. We also reinforce our previous recommendation that the Ordinance specifically require applicants to meet with USFWS at the survey stage to determine whether a golden eagle take permit is recommended and if so, to require such a permit, and to discuss conflicts with the historic range and current occurrences of California Condor.

We recommend the Draft Ordinance include a new section "*Wildlife Agency Review*" parallel to 22.52.160 (Aviation Review). Like the requirements for consultation with aviation-related agencies, this new section should require an applicant for a project subject to a minor conditional use permit or conditional use permit to meet with representatives of CDFW and USFWS to obtain their review and comments regarding the

potential impacts of the proposed use on sensitive plant and animal species, and that any comments from CDFW and USFWS be considered by the Department and provided to the Hearing Officer.

**C. Setbacks from Areas of High Biological Value.**

The Draft Ordinance requires certain setbacks for temporary meteorological towers and ground-mounted utility-scale wind facilities from residential structures, property lines and various types of infrastructure. However, the Draft Ordinance does not include analogous setbacks from areas of high value to sensitive biological resources.

In addition to reinforcing our previous recommendations regarding avoiding development in areas of high biological value, we recommend that the County meet with USFWS and CDFW to develop appropriate development restrictions and setbacks from important habitat or movement corridors for avian and terrestrial species from ground-mounted utility-scale renewable energy facilities.

**D. Dust Control.**

We thank the County for revising 22.52.1160 (G) to more accurately address dust control issues. Dust control is a very important public health and environmental issue in this area. We also recognize that water is very limited, and to the extent water is used as dust mitigation, this could exacerbate non-native germination and growth as well as deplete aquifers

Thank you very much for the opportunity to comment on the Draft Ordinance. We look forward to continued collaboration with the County on this valuable effort.

Sincerely,

Sincerely,

A handwritten signature in cursive script that reads "Sarah K. Friedman".

Sarah K. Friedman  
Senior Campaign Representative  
Sierra Club Beyond Coal Campaign